

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

DARLA J. McCUTCHEON,)	
)	
Plaintiff,)	
v.)	NO. CIV-16-0513-HE
)	
NANCY A. BERRYHILL,)	
Acting Commissioner of the)	
Social Security Administration,)	
)	
Defendant.)	

ORDER

Plaintiff Darla J. McCutcheon filed this action appealing the final decision of the Commissioner of the Social Security Administration denying her application for supplemental security income benefits under the Social Security Act. This case was referred to U.S. Magistrate Judge Gary M. Purcell for initial proceedings consistent with 28 U.S.C. § 636(b)(1)(B). Judge Purcell recommends the decision of the commissioner be affirmed. The Report and Recommendation (the “Report”) concluded that the Commissioner’s decision is supported by substantial evidence in the record and that it properly incorporates the opinion of the state medical consultant contained in Section III of the Mental Residual Functional Capacity Assessment. Objections to the Report were due by April 20, 2017. No objection has been filed.

Having failed to object to the Report and Recommendation, the parties have waived their right to appellate review of the factual and legal issues it addressed. United States v. One Parcel of Real Property, 73 F.3d 1057, 1059–60 (10th Cir. 1996); *see* 28 U.S.C. §

636(b)(1)(C). Accordingly, the court **ADOPTS** the Report and Recommendation and **AFFIRMS** the decision of the commissioner.

IT IS SO ORDERED.

Dated this 3rd day of May, 2017.



JOE HEATON
CHIEF U.S. DISTRICT JUDGE